

REMARKS/ARGUMENTS

In response to the Office Action mailed August 19, 2008, Applicant requests reconsideration of the rejections in light of the foregoing amendments to the claims and the following remarks. A three month request for extension of time to respond is attached hereto.

Applicant wishes to extend his appreciation to the Examiner for the indication of allowability of claims 3, 9 and 11. Applicant has amended claim 1 by inserting the contents of claims 3, 9 and 11 therein.

The drawings stand objected to for failing to show every feature of the invention claimed. Applicant has cancelled claim 8 and as such contends that this subject matter need not be included in the drawings. Reconsideration and reversal of the objection is respectfully requested.

Claim 5 stands rejected under 35 USC §112, second paragraph, as being indefinite. Applicant has amended claim 5 to state that at least 95% of the volume of the storage tank is located inside the vault. Support for the amendment may be found at page 4, lines 24-26 of the application as filed. Applicant submits that this claim is now definite and particularly points out and claims the subject matter which Applicant regards as his invention. Reconsideration and reversal of this rejection are respectfully requested.

Claims 1, 2, 4, 5 and 12 stand rejected under 35 USC §103(a) as being unpatentable over McGarvey (US Pat. 5,284,191) in view of Chan et al. (US Pat. 7,011,118), Stanton (US Pat. 6,637,976) and Matsumura et al (US Pat. 5,678,411).

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Claims 6 and 7 stand rejected under 35 USC §103(a) as being unpatentable over McGarvey in view of Chan, Stanton and Matsumura, and in further view of Perkins (US Pat. 4,355,652).

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over McGarvey, in view of Chan, Stanton and Matsumura and in further view of Nanaji (US Pat. 6,761,190).

Applicant having amended claim 1 is not responding to these rejections as they are considered mooted by the amendments to claim 1.

For these reasons Applicant submits that his claims define patentable subject matter and are in condition for allowance. Prompt favorable action to that end is respectfully requested. The Examiner is invited to call the undersigned should any question arise during the reconsideration of the subject application.

Respectfully submitted,

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Date: February 9, 2009